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Fifty-first session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 9 March 1995 from the Permanent Representative of the Republic of Croatia addressed to the Chairman of the Commission on Human Rights

Once again the Mission of the Federal Republic of Yugoslavia (Serbia and Montenegro) has misused the forum of the Commission on Human Rights for circulating its unfounded accusations (see doc. E/CN.4/1995/166) against the Republic of Croatia responding to the statement delivered by H.E. Dr. Mate Granić, Deputy Prime Minister and Minister for Foreign Affairs.

Since that letter was put on the record of the Commission on Human Rights the Government of the Republic of Croatia considers it necessary to react for the benefit of the members who otherwise have more important work to perform than to read Serbian paper propaganda and tens of letters with which they have been overwhelmed.

The answer to all those accusations is contained in the statement of Minister Granić from which there is nothing to be retracted and in the decisions which the Commission on Human Rights has itself adopted during all its sessions since 1992. The authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) have to be reminded yet again that because of their nationalistic policies and continuous aggression committed against the Republic of Croatia and the Republic of Bosnia and Herzegovina (with the help of the Yugoslav Army) they are isolated in the international community and justly subjected to the regime of international sanctions while being deprived of the seat of the former Socialist Federal Republic of Yugoslavia

in the United Nations and all international organizations. That policy which brought about the genocide of ethnic cleansing and most brutal violations of international humanitarian law, pursued to establish "Greater Serbia", is the only and real cause of the tragedy still being waged against internationally recognized States Members of the United Nations.

The allegations concerning Croatia's responsibility for the eruption of war on its soil brings about the thesis of "violent secession". This is both erroneous and a deliberate fabrication which the so-called Yugoslav authorities pursue, in contravention of international decisions, including those of the Badinter Commission which clearly established that the former Socialist Federal Republic of Yugoslavia was dissolved and the responsibility of the Federal authorities and the Yugoslav National Army, condemned by the international community, for committing atrocities in Croatia. Instead of bringing irrelevant accusations of a historic character, the Belgrade authorities would do justice by undertaking the soul-searching of its own history and connections with the Fascist Chetnic movement, as well as of the war crimes that their forces and people have committed over the last four years.

As to the alleged "aggressive policy" which is "threatening the very survival, the national and human rights of the Serbs in that territory", let me reiterate that on numerous occasions in recent times the representatives of the Republic of Croatia, including at the highest levels, have unequivocally stated that Croatia will continue pursuing the path of peaceful solution (after the termination of the UNPROFOR mandate) for the part of its territory which the United Nations General Assembly in its resolution 49/43 has declared as occupied parts of the Republic of Croatia. Security Council resolutions equally refer to this territory as being within Croatia, whose territorial integrity within internationally recognized borders is fully supported. The solutions must be sought through this framework and the Federal Republic of Yugoslavia (Serbia and Montenegro) can help establish the peace by responding positively to the requests of the international community to recognize the Republic of Croatia within its internationally recognized borders. It is therefore irony and hypocrisy that Federal Republic of Yugoslavia (Serbia and Montenegro) addresses accusations to the Republic of Croatia while refuting all international efforts and proposals, including the ones that are currently under consideration. The international community, the United Nations and the Security Council know well that the responsibility for achieving peace or the continuation of war rests with the Serbian side and that of the Government in Belgrade.

As to other "accusations", may we remind you of resolutions adopted by consensus by the Commission on Human Rights. At the current session, the Federal Republic of Yugoslavia (Serbia and Montenegro) and its political and military leaders, as well as its other political proxies, are again accused of being responsible for gross violations of international humanitarian law, for the continuation of the genocidal policy of ethnic cleansing, for not respecting minority rights on its territory (including of the Croatian minority), for lawlessness in the UNPAs, for refusing cooperation with all international humanitarian organizations. The list of such "crimes" could be rather elaborate.

Particularly cynical are remarks concerning the wave of Serbian refugees from Croatia as these come from the country, authorities and nationalistic platform which itself has mastered and executed the policy and practice of ethnic cleansing. The results are evident in the occupied parts of Croatia where the non-Serb population was completely evicted, while UNPROFOR was present, with a massive expulsion of 350,000 Croats and non-Serbs who are still refugees in Croatia and European countries, with over 70,000 Croats who left Serbia and Montenegro.

If the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are really interested in peace, which allegedly they pursue, they should seize the opportunity currently being negotiated. Such a positive statement could be of a far greater value than repetitious propaganda and accusation of others who are victims of their aggression.

I would like to ask you, Your Excellency, to circulate this letter as an official document of the Commission on Human Rights under agenda item 12.

(Signed) Miomir Žužul

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Letter dated 9 March 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit herewith the reply by the Government of the Federal Republic of Yugoslavia concerning the address made by the representative of Albania at the fifty-first session of the Commission on Human Rights on 6 March 1995, and to request you kindly to circulate this letter and its annex as an official document of the fifty-first session of the Commission on Human Rights under item 12.

(Signed) Vladimir Pavicevic

GE.95-12345 (E)

Comments of the Government of the Federal Republic of Yugoslavia on the address made by the representative of Albania at the fifty-first session of the United Nations Commission on Human Rights on 6 March 1995

In his statement on the "situation of human rights in Kosovo", the representative of Albania presented a set of untrue and unfounded accusations and inaccurate data in a language alien to diplomatic communication.

The Government of the Federal Republic of Yugoslavia wishes to indicate to the participants at the fifty-first session of the United Nations Commission on Human Rights some substantial facts relative to the actual situation and the conditions of human rights in the Province of Kosovo and Metohija. It also points to the inadmissible attitude of Albania which, by interfering in the internal affairs of a sovereign neighbour State, intends to incite unrest directed at the secession of this Province from Serbia and the Federal Republic of Yugoslavia, with the ultimate aim of setting up Greater Albania.

The unsubstantiated and malicious accusations concocted by the Albanian representative in the United Nations Commission on Human Rights against the Federal Republic of Yugoslavia deserve a reply: the Albanian separatist-terrorist forces organized the famous violent mass demonstrations in 1981, barricading and sacrificing miners in mine pits, as well as the massive poisoning of Albanian schoolchildren, with its biological carrier not having been isolated to this very day, either by a Yugoslav or any international health organization for that matter.

With regard to the slanders whereby the Yugoslav law and order organs are accused of brutality, arbitrary searches, seizures, arrests, torture and ill-treatment, the Government of the Federal Republic of Yugoslavia indicates the following: in the period between 1981 and 1988, 500 assaults were made upon Yugoslav Army members and their families, 80 assaults upon military units, and 251 assaults on military facilities by illegal Albanian terrorist groups in Kosovo and Metohija. Five thousand revolvers, 427 military and automatic rifles, 7 semi-automatic rifles, 117 hand grenades, 1,446 unregistered hunting rifles, 6 tonnes of explosives and 146 detonators were uncovered or seized during the "arbitrary searches". It is worthwhile noting that not a single case of death resulting from alleged tortures committed in the prisons of Kosovo and Metohija has been registered by the OSCE or International Committee of the Red Cross commissions, or by any humanitarian organization.

On the other hand, 400,000 Serbs and Montenegrins have been forced to flee from Kosovo and Metohija by the Albanian extremists and to desert their homes in the post-war period owing to fear, intimidation, instability, disorder, rape and looting.

Throughout its pre-war and post-war, communist and post-communist development, Albania has consistently denied the territorial integrity and sovereignty of Serbia and Yugoslavia.

Concurrently, Albania has also been inciting the members of the Albanian national minority in Kosovo and Metohija to separatism, also instigating their recourse to terrorist or criminal methods and activities.

In October 1991, the Albanian National Assembly officially gave recognition to the non-existent and illegal "Republic of Kosovo". In April 1992, the new democratic Government of its Prime Minister Mexi and President Berisha confirmed this recognition at the Albanian Assembly, resuming its activities in contravention of the United Nations and the OSCE documents - contrary in particular to the OSCE Final Document and Paris Charter - even though it solemnly and entirely accepted them when acceding to membership of the OSCE.

In contravention of the international standards in force, Albania is promoting the separatist leaders from Kosovo and Metohija as legitimate representatives of a foreign State, while introducing them as such to the domestic and foreign audiences. On the occasion of commemorating the fiftieth anniversary of the Albanian liberation from fascism and the National Day of Albania, on 29 November 1994, the so-called president and prime minister of the "Republic of Kosovo", Rugova and Bukoshi, were introduced by Tirana as legitimate holders of Government in Kosovo and Metohija, thus challenging the OSCE Final Document and the United Nations Charter basic principles of non-interference into internal affairs and respect for the sovereignty and territorial integrity of other States.

Albania keeps inciting the members of the Albanian national minority in Kosovo and Metohija to disloyalty towards the State they are living in - Serbia and the Federal Republic of Yugoslavia - which is the most brutal violation of article 37 of the Document of the OSCE Meeting on the Human Dimension, held in Copenhagen in 1990, where the obligations of minorities to loyalty towards the State where they are living are underscored.

We must note with regret that, notwithstanding such an inadmissible attitude and violation of the basic OSCE and United Nations documents provisions, never to this date has Albania been held responsible by the international community.

Taking into account all the above, a State like Albania, which is maintaining such attitudes towards international law, cannot be considered as a State which holds respect for fundamental principles of international law, nor could it address the international forums with its demands.

Neither the Constitution nor the authorities of the Republic of Albania recognize the existence of any national minority or ethnic community in Albania itself. As a result, Albania is having grave conflicts with its neighbours: Greece, the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia. The Albanian policy whereby the borders with its neighbours are to be taken as relative, its interference in their internal affairs, and its fanning of separatism among its national minority in these countries have been the generator propelling conflicts and instability in the Balkans.

Instead of giving lessons to its neighbouring countries how to promote respect for human rights and the rights of minorities and its turning a deaf ear to appeals for commencing a dialogue on these matters, Albania should be summoned by the international community and the United Nations Commission on Human Rights to give answers to the following questions:

1. Why was it that in 1992, Albania carried out a territorial reorganization of country regions into communes whereby the ethnic compact of individual minorities has been deliberately wiped out (among the Gorans, Serbians, Podgorans and Greeks)?

2. Why was it that the Orthodox Church of St. A. Nevski was demolished in 1964, three years prior to the entry into force of the law on the banishing of religion, in the centre of Shkodra, under the orders of the Albanian authorities, with an Officers Centre being built on the same site? Where have the priceless church inventories, ancient books, the church legacy, etc. been stored?

3. Why was it that the Orthodox Church of St. Archangel Mihailo, sited in the old Serbian graveyard, was demolished in 1967, with a children's hospital being built on that site? Where have the valuable relics belonging to the church been stored?

4. Why was it that the Orthodox Holy Trinity Church, at the village of Grilje, the district of Vraka, was transformed into the village Culture House in 1968, which operated until 1991? Why was the village Orthodox graveyard bulldozed in 1967, with grave crosses with inscriptions in the cyrillic alphabet demolished? What is the fate of the church inventory, why do nothing but bare stone walls remain of the church at present?

5. Why was it that the old military graveyard in Skutari was demolished where the fallen Serbian and Montenegrin soldiers killed in the Balkan Wars and the first World War had been buried, with a maternity hospital being built instead?

6. Why was it that the old Orthodox graveyard in Skutari was bulldozed when setting up a new municipal graveyard, instead of being duly relocated, along with the remains belonging to the old tombs?

7. The double standards Albania is promoting when it comes to minority issues are reflected as well in its attempts to internationalize the issue of the position of the Albanian minority in the Republic of Serbia and in the Federal Republic of Yugoslavia and in its fanning of separatism in Kosovo and Metohija on the one hand, while annulling the very existence and denying fundamental human rights and freedoms to the members of the Yugoslav minorities in Albania on the other hand. By resorting to statistical genocide and reducing the numbers of the members of the Serbian and Montenegrin minorities in Albania, by banning publishing and media activities - there are no magazines, no journals published nor television programmes broadcast in the Serbian language in Albania - by the non-existence of libraries and by banning the import of publications from Yugoslavia, by banning the official use of the Serbian language in the communes where the Yugoslav minorities live, the Albanian authorities endeavour to expose the Yugoslav minority in Albania to permanent assimilation, denationalization and displacement. During the entire post-war period, the members of the Serbian and Montenegrin minorities have been deprived of a possibility to freely express their national, ethnic, religious and cultural identity.

Why is it that the process of restoring the old Serbian family names which had been forcibly replaced by Albanian ones has ceased, why do the members of the Yugoslav minorities there have difficulties in getting travel documents and identity cards in Albania and why have they been exposed to permanent pressure by being summoned for information talks, by being tailed, by searches of their cars, etc?

Why is it that the members of the Yugoslav clubs are having difficulties in their lawful activities, why are they deprived of adequate premises and why have their efforts to meet the representatives of the OSCE in Albania and discuss with them protection of their interests been obstructed?

All these facts are an indication of Albania's deviations and gross violations of its own constitutional-legal system, of international law, and of the obligations Albania has taken over on the international plane in the field of minorities protection.

The Republic of Serbia and the Federal Republic of Yugoslavia are in no way isolating the Albanian minority, nor is it being discriminated against in relation to numerous other national minorities. The Federal Republic of Yugoslavia views national minorities as a bridge leading to the promotion of mutual understanding and confidence among States, of friendly and good-neighbourly relations, international peace, security and justice.

Under its Constitution, the Republic of Serbia is defined as a democratic State of all its citizens, based on the freedoms and rights of man and citizen, with sovereignty shared by all. Yugoslavia is the sole country in the Balkans which is granting full territorial and cultural autonomy to the areas where national minorities live. The members of national minorities in Kosovo and Metohija, as well as in Vojvodina, are guaranteed the highest standards of the protection of their civil and human rights under the Constitution of the Republic of Serbia and the Constitution of the Federal Republic of Yugoslavia. The autonomous provinces enjoy territorial autonomy, and are entitled to decide on the issues of importance for economic development, financing, culture, education, use of language, health and social care. Under no international legal act are national minorities entitled to possess their own territorial autonomy, which is de jure being made possible in Kosovo and Metohija under the Constitution of the Republic of Serbia. All these facts are well-known to the leadership of the Republic of Albania, as well as to the Albanian minority in Kosovo and Metohija, which is making no benefit from these rights, or obstructing them consciously, aiming at secession from the Republic of Serbia and the Federal Republic of Yugoslavia. Contrary to Kosovo and Metohija, where the problems have been generated by the Albanian national minority's boycotting its constitutionally guaranteed rights, in the Province of Vojvodina these rights and constitutional provisions on territorial autonomy are being exercised and benefited from on a large scale by the members of all national minorities.

It is of importance to stress that the problems of the Autonomous Province of Kosovo and Metohija are not those of exercising human rights and freedoms, but rather of permanent incitement of separatist behaviour among the Albanian extremists, which threatens the very sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

In view of such attitudes by Albania, the Federal Republic of Yugoslavia, as a member and founding State of the United Nations and the OSCE, appeals to these forums to assume a clear position concerning the policy of Albania towards the Federal Republic of Yugoslavia. At the same time, the Federal Republic of Yugoslavia is appealing to all States Members of the United Nations to refrain from any acts supportive of the Greater Albania aspirations, of Albanian separatism in Kosovo and Metohija and of its reaching for the territorial integrity of the Federal Republic of Yugoslavia.

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